

## REMARKS

### I. Status of the Claims

The Action states that Claims 1-17, 20-28, 30-32, 34-37, 39-44, 46-51 and 53-56 are allowed. Claim 42 stands rejected under Section 103(a) as unpatentable over U.S. Patent No. 6,190,170 to Morris et al. (Morris). Claim 56 stands rejected under Section 102(e) as anticipated by Morris. In the Listing of the Claims provided hereinabove, Claim 42 has been canceled and Claim 56 has been amended. Therefore, the only issue for consideration is the withdrawal of the rejection of Claim 56.

### II. The Rejection of Claim 56

The Action rejects Claim 56 under Section 102(e) as anticipated by Morris. The Action at page 2 asserts that:

Morris ... disclose[s] a digital camera means for taking colored images (column 4, line 28), electronic means for relaying the images to a remote location (column 5, lines 24-28), means for analyzing the color values of the images (column 5, lines 24-28) and means for converting the color values into parameters from which the original color of the object can be reconstituted.

Applicants point out that Claim 56 has been amended hereinabove to recite a step of "capturing a coloured image of a tooth, the image containing a single grey reference colour indicator." There is no disclosure or even suggestion of such a step in Morris. As such, Applicants submit that the rejection of Claim 56 should be withdrawn.

Morris discusses only "black and white" reference tabs (column 4, line 47). The black and white tabs discussed in Morris are "manufactured using homogenous, non-reflective porcelains and are intended to define respective minimum and maximum Red, Green and Blue (RGB) values for each image" (column 4, lines 51-55)(emphasis added). Thus, Morris clearly discusses that a reference "perfect" black and "perfect" white are used to define a minimum and maximum value in each image.


In contrast, according to embodiments of the present invention, a single grey color reference indicator can be used to calibrate an image with respect to the color reference

indicator into constituent color values. Specification, page 17, lines 1-3. A single set of specific RGB grey coordinates can be used, which may reduce errors associated with multiple reference tabs. The system in Morris uses two indicators, one black and one white, to define a minimum and maximum value for Red, Green and Blue (RGB). Therefore, the two reference color system in Morris is also different in function than the single reference color recited in Claim 56, and there is no teaching or suggestion in Morris of a single grey reference color indicator. For at least these reasons, Applicants submit that the rejection of Claim 56 should be withdrawn.

### III. Conclusion

Inasmuch as all of the issues raised in the Action have been addressed, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is invited to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

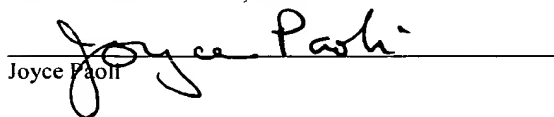
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